

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ANTOLIN ANDREW MARKS

Plaintiff,

v.

UNITED STATES OF AMERICA *et al.*,

Defendants

Case No. C06-5696RBL/JKA

ORDER GRANTING DEFENDANTS  
MOTION TO STAY DISCOVERY

This Civil Rights/Bivens/ Federal Tort action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. § 636(b)(1)(B). Before the court is defendant's motion to stay discovery until a pending motion to dismiss is ruled on (Dkt. # 29). Plaintiff has responded (Dkt. # 31). Defendants show plaintiff does not need the discovery at issue to file a response to the motion to dismiss. In fact, plaintiff has already filed his response to defendant's motion to dismiss (Dkt. # 27). Defendants argue the government should not be saddled with the burden and cost of answering the discovery when a motion to dismiss that has merit is pending.

Defendants only ask that discovery be stayed until the motion to dismiss is decided. Plaintiff's response is to argue the same six events occur in each case he filed. He claims:

1. Defendants are served with a complaint.
2. Defendants are served with discovery.

ORDER

1           3.       Defendants file a motion to dismiss.

2           4.       The defendants fail to respond to discovery.

3           5.       The motion to dismiss is denied.

4           6.       Defendants move for summary judgment and plaintiff is without the discovery he  
5           needs to oppose the motion.

6       (Dkt. # 31 page 1).

7           The plaintiff's position does not address the motion to stay in any meaningful way. Before  
8       the court is a motion to dismiss on jurisdictional grounds and a request for an injunction limiting  
9       plaintiff's future filings (Dkt. # 24). The request to stay discovery is well taken and is **GRANTED**.

10          There will be no further discovery until after the District Court Judge has entered a ruling on  
11       the motion to dismiss. No answers to outstanding discovery need be made until 20 days after a ruling  
12       by the District Court Judge on the pending motion to dismiss.

13          The Clerk is directed to send a copy of this Order to plaintiff and counsel and to remove Dkt.  
14       # 29 from the courts calendar.

15                               DATED this 17 day of September 2007.

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18                               /S/ J. Kelley Arnold

19                               J. Kelley Arnold

20                               United States Magistrate Judge  
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28       ORDER